IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 24TH AUGUST 2006 / 2ND BHADRA 1928

Bail Appl..No. 5206 of 2006

CRMP.6712/2006 of J.M.F.C.-III, PUNALUR
CRIME NO.323/2006 OF PATHANAPURAM POLICE STATION

.....

PETITIONER/ACCUSED:

MANOJ, S/O. MANOHARAN,
MANOJ BHAVAN, KIZHAKKEVELLAMTHETTI,
PATHIRICKAL MURI, PATHANAPURAM, KOLLAM DISTRICT.

BY ADV. SRI.K.P.SHAHUL HAMEED
SRI.RAJESH THOMAS

RESPONDENTS: COMPLAINANT:

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1. STATE OF KERALA,
REPRESENTED BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

2. THE DEPUTY SUPERINTENDENT OF POLICE,
PUNALUR, KOLLAM DISTRICT.

3. THE SUB INSPECTOR OF POLICE,
PATHANAPURAM POLICE STATION, KOLLAM DISTRICT.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24/08/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 5206/2006

DATED THIS THE 24TH DAY OF AUGUST, 2006

O R D E R

The petitioner, the second accused, had surrendered before the Court below on 27.7.2006. He remains in judicial custody, as he is accused of the offence punishable under Sections 450 and 376 IPC, for committing rape on a seventeen year old mentally retarded girl, belonging to SC/ST community. The petitioner is also of the same community. The first accused, who is not a member of the SC/ST community, committed rape on the same girl. Therefore, crime No.323/2006 of Pathanapuram police station, was registered, not only under sections 450 and 376 IPC, but also under section 3(1) (xii) of the SC/ST (Prevention of Attrocities) Act, 1989.

2. After his surrender, the police sought the custody of the petitioner and the medical examination is complete. The first accused was already released on bail. In the above circumstances, I grant bail and release the petitioner from jail, subject to the following conditions:-

(a). The petitioner shall execute a bond for Rs.25,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the Judicial Magistrate of First Class-III, Punalur.

(b). The petitioner shall report before the Investigating Officer, once in a week on every Thursday, between 10.00 a.m and 11.00 a.m., for a period of three months, starting from 31.8.2006, and thereafter, once in a month, between the same timings, till the final trial and disposal of the Sessions case.

(c). The petitioner shall not interfere with the investigation or tamper with the evidence or attempt to influence the witnesses or threaten them, and he shall not cause any hindrance, to the smooth conduct of the trial of the Sessions Case.

The application is allowed as above.

J.M.JAMES
JUDGE

mrcs